

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JOSEPH MICHAEL DEVON ENGEL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:21-CV-940 AGF
	)	
CORIZON MEDICAL, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court upon review of the file. Plaintiff Joseph Michael Devon filed this matter in the United States District Court for the Western District of Missouri, alleging violations of his rights under 42 U.S.C. § 1983. ECF No. 1. Because Plaintiff’s complaint pertains to conditions of confinement at Missouri Eastern Correctional Center (“MECC”), located within the Eastern District of Missouri, the case was transferred here on July 29, 2021. ECF Nos. 5-6. On October 25, 2021, the Court issued an Order discussing Plaintiff’s status as a three-striker under the Prison Litigation Reform Act (28 U.S.C. § 1915(g)), holding Plaintiff’s motion to proceed *in forma pauperis* in abeyance, and directing Plaintiff to file an amended complaint within thirty (30) days. ECF No. 7. The Court cautioned Plaintiff that his failure to timely comply with the Order would result in the dismissal of the case without further notice. Plaintiff’s response was due on November 24, 2021.

To date, Plaintiff has neither responded to the Court’s Order nor sought additional time to do so. Plaintiff was given meaningful notice of what was expected, he was cautioned that his case would be dismissed if he failed to timely comply, and he was given ample time to comply. The Court will therefore dismiss this action, without prejudice, due to Plaintiff’s failure to comply with

the Court's Order of October 25, 2021 and his failure to prosecute his case. *See* Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (the authority of a court to dismiss *sua sponte* for lack of prosecution is inherent power governed "by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases"); *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (a district court has the power to dismiss an action for the plaintiff's failure to comply with any court order).

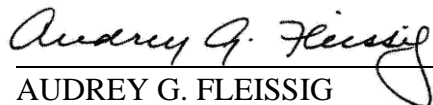
Accordingly,

**IT IS HEREBY ORDERED** that this case is **DISMISSED** without prejudice. A separate order of dismissal will be entered herewith.

**IT IS FURTHER ORDERED** that Plaintiff's motion for leave to proceed *in forma pauperis* [ECF No. 2] is **DENIED as moot**.

**IT IS HEREBY CERTIFIED** that an appeal from this dismissal would not be taken in good faith.

Dated this 13th day of December 2021.

  
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AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE